

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STUDENTS FOR FAIR ADMISSIONS,

Plaintiff,

v.

THE UNITED STATES MILITARY
ACADEMY AT WEST POINT *et al.*,

Defendants.

No. 23-cv-8262 (PMH)

**BRIEF OF AMICI CURIAE 107 WEST POINT GRADUATES IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR A PRELIMINARY
INJUNCTION**

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IDENTITY AND INTEREST OF AMICI CURIAE

Amici¹ are a diverse group of 107 graduates of the United States Military Academy at West Point.² Among Amici are multiple West Point valedictorians, as well as Rhodes, Marshall, and Fulbright scholars. During their time at the Military Academy, many Amici served in leadership roles within the Corps of Cadets, including multiple Amici who served as First Captain, the highest leadership position in the cadet chain of command. After graduation, Amici commissioned as officers in the United States Army. Amici include combat veterans, members of elite special operations units, Ranger and Sapper School graduates, and Army officers with a broad range of experience in military operations in multiple countries on nearly every continent.

Amici present this brief solely in their personal, private capacities, and the views expressed herein are not those of the Military Academy or the Department of Defense. Amici, as West Point graduates and current and former Army officers, have a strong interest in the issues presented in this case. Amici are also well-positioned to inform the Court about important matters relevant to this Court's consideration of Plaintiff's motion for a preliminary injunction, including the role of diversity in shaping their experiences as students at West Point and as officers responsible for leading platoons of enlisted soldiers. Amici's first-hand experience shows that diversity in the officer corps creates a more cohesive, more competent, and ultimately more lethal fighting force.

¹ A full list of Amici appears in the Appendix to this brief.

² Throughout this brief, Amici use the terms "the Military Academy" and "West Point" interchangeably to refer to Defendant United States Military Academy at West Point.

INTRODUCTION

The Military Academy has a uniquely compelling interest in diversity because it has a uniquely important mission, different from that of other colleges and universities. At West Point, academic excellence is not an end unto itself. It is a means to the end of training effective officers who can lead a diverse Army of soldiers to win wars, keep peace, and protect national security. The Military Academy is the Nation's "preeminent leader development institution," which aims "to educate, train, and inspire the Corps of Cadets so that each graduate is a commissioned leader of character committed to the values of Duty, Honor, Country, and prepared for a career of professional excellence and service to the Nation as an officer in the United States Army." *See* About West Point, www.westpoint.edu/about. Upon graduation and commission, officers often serve as platoon leaders, the officer leadership role with the most direct influence over enlisted soldiers. Platoons usually consist of a few dozen soldiers divided into two or three squads. A platoon leader's job includes training and developing the enlisted soldiers under his or her leadership and solving complex problems at the tactical and operational levels to accomplish the platoon's mission. Amici also include current and former company commanders, more senior leaders who oversee several platoons and hundreds of soldiers. Commanders are responsible for controlling tactical formations, communicating throughout organizations, and meting out formal legal punishments.

Based on their experiences as cadets and officers, Amici know that functional army units—be they squads, platoons, companies, or larger units—must be cohesive teams with effective leaders. Successful leadership requires building relationships based on mutual trust, which is reinforced through clear communication. The Military Academy serves to protect national security by preparing cadets to become effective leaders, instilling in them the skills and

knowledge to lead Army units to accomplish a wide array of critical missions. Amici believe, based on personal experience and empirical evidence, that West Point cannot achieve its leadership-development goals unless its student body is diverse in ways that reflect the composition of enlisted soldiers and the nation at large, including with respect to race.

This is true for multiple reasons. Diversity in the officer corps makes the Army more cohesive. Officers are better able to build committed and engaged units of enlisted soldiers, including soldiers of color,³ when they have learned effective ways to communicate and empathize across cultural, racial, and ethnic boundaries. When soldiers are stuck together in a foxhole, sniper's nest, or tank turret for days on end, unit cohesion quite literally saves lives. Diversity in the officer corps also makes the Army more potent. Units are smarter and stronger when composed of different types of people who can share different perspectives on how to solve a problem. And diversity in the officer corps makes the Army more culturally competent and therefore better at both building partnerships with allies of different cultures and interacting with foreign populations on the ground, including in combat. Diversity in the officer corps also helps the Army recruit from a diverse population. And it prevents the dangerous resentment between enlisted soldiers of color and white officers that plagued the Army before race-conscious admissions were introduced at West Point.

As Amici's experience shows, all officers, regardless of race, are better equipped to lead diverse soldiers in the field and meet the many challenges facing today's Army if they are educated in a racially diverse environment and can build partnerships and trust within a diverse

³ In this brief the term "of color," consistent with standard usage, is broadly defined and includes persons who are black, Hispanic, Asian-American, Pacific Islander, native Hawaiian, and/or indigenous.

Army. Fostering racial diversity in the officer corps is a compelling government interest, and Amici respectfully request that the Court deny Plaintiff's motion for a preliminary injunction.

ARGUMENT

I. **Race-Conscious Admissions Policies at the Military Academy Protect National Security**

The Army's interest in racial diversity among its officers is neither speculative nor vague. It is an operational imperative. To be effective leaders, Army officers must be trained as part of a racially and culturally diverse cohort of cadets, and the ranks of officers must be diverse in ways that reflect the ranks of enlisted soldiers. This necessity is reflected in Amici's personal experiences as Army leaders.

Amicus and former Army Captain Robert Moser, who is white, arrived at West Point having grown up in a predominantly white community in the Deep South without many close relationships with people of other races. It is traditional for plebes—the Military Academy equivalent of freshmen—to hang their state flags in their dorm rooms. Mr. Moser chose to represent his state by displaying a Confederate battle flag, which he thought of as a symbol of honor and tradition. At West Point he was immersed, for the first time, in a racially diverse community—a community of exceptional, motivated, and service-oriented cadets of all races with whom he formed close personal bonds in an environment of intensive military training and education. Over the course of countless conversations with his fellow officers-in-training, he came to understand that Confederate flags meant something other than honor and tradition to many members of his new community. That included some black cadets, for whom it was a distressing symbol of a dark and painful history. As Mr. Moser debated, listened, studied, and trained with them, he came to empathize with his classmates and develop a new way of thinking. Eventually, he chose to take down the flag and was able to build firmer ties with the cadets who

had found it hateful. By the end of his time at the Military Academy, he was chosen by his classmates to speak publicly at a town hall on Confederate Monuments, where he advocated for the removal of West Point's Confederate honorifics. In other words, the fact that the Army used race-conscious admissions to ensure West Point was racially diverse led Mr. Moser to gain essential knowledge and relationship-building skills he would not have otherwise acquired.

Those skills were critical. After graduation, Mr. Moser served for three years with the 75th Ranger Regiment, an elite team of special operations soldiers that acts as the nation's premier direct-action raid force. He came as a junior officer with far fewer years of experience than many of the soldiers he was tasked with leading. Mr. Moser, a platoon leader new to the unit, was partnered with a veteran platoon sergeant. Platoon leaders and platoon sergeants "work together to execute their platoon's mission and success will depend on mutual trust and knowing their partner will do what they need to do." U.S. Army Center for Army Lessons Learned, *The First 100 Days of Platoon Leadership*, at 14 (May 2018), <https://perma.cc/Y96M-GL6B>. Because newly commissioned junior officers lack military experience, they typically rely on their platoon sergeants to build trust and authority. Shortly after Mr. Moser arrived, however, his white platoon sergeant was removed for hazing a black Ranger. Mr. Moser was then faced early in his career with a high-pressure leadership challenge that had the potential to create turmoil within a critical frontline Army unit—a matter of literal life and death. Using the skills he acquired at West Point, this junior officer was able to face the challenge of bringing the multiracial team under his leadership back together. The time he had spent among the diverse cadet corps at West Point gave him the skills he needed to rebuild trust and cohesion among his Ranger platoon while training them for war. The use of those critical skills, in his direct personal experience,

allowed him to avert disaster effectively. He built partnerships with fellow officers and enlisted soldiers and maintained the platoon as a unified team. This, he firmly believes, saved lives.

Mr. Moser's experience is no outlier. Reams of empirical evidence and lived experiences establish that a racially diverse Army is a more lethal Army. Indeed, the Army's use of West Point admissions criteria intended to create a racially diverse officer corps stands as a recognition of the fact that racially diverse armies fight better than homogenous ones. Units whose members have a broad range of backgrounds and life experiences bring together different perspectives that fuel problem-solving and innovation. Leaders trained in diverse environments are better equipped to build cohesion and mutual respect within those diverse teams, maximizing performance. As the recently retired Commanding General of the United States Army Forces Command explained, "[w]ithout diversity, a homogenous team of soldiers would lack the resilience, perspective, and growth offered by teammates from different backgrounds This makes diversity not only a right but also a strategic military asset—essential to meet today's security challenges." Gen. Michael X. Garrett, *Military Diversity, A Key American Strategic Asset*, Mil. Rev., at 14 (May-June 2021), <https://www.armyupress.army.mil/Portals/7/military-review/Archives/English/MJ-21/Garrett-Military-Diversity-1.pdf>.

Studies consistently show that, across a wide variety of academic and professional settings, diverse teams focus more on facts than assumptions, make fewer mistakes in processing facts, and are less prone to groupthink. "[N]onhomogenous teams are simply smarter." David Rock & Heidi Grant, *Why Diverse Teams Are Smarter*, Harv. Bus. Rev. (Nov. 4, 2016), <https://perma.cc/NH7G-HA8Y>; see also Katherine W. Phillips, *How Diversity Makes Us Smarter*, SCI. AM. (Oct. 1, 2014), <https://perma.cc/FH7M-HEJN> (collecting studies). "Through diversity we are exposed to different points of view and approaches to problem-solving," which

means that “diversity and inclusion are the prerequisites to excellence and high-performance.”

Brenda Sherrer, *Reframing the Diversity Discussion: The Need for Internal Dialogue*, in *Managing Diversity in the Military: The Value of Inclusion in a Culture of Uniformity* 9, 10 (Daniel P. McDonald & Kizzy M. Parks eds., 2012).

This is particularly true for complex tasks, and the Army’s work protecting the national security of the United States—both on and off the battlefield—is immensely complex. The Army is in the midst of “the most significant reorganization and technical innovation since the end of the Cold War—ensuring our adversaries cannot outrange or outpace us on traditional battlefields, or the new frontiers of space and cyberspace.” *See* Who We Are, The Army’s Vision and Strategy, U.S. Army, [army.mil/about](https://www.army.mil/about). At the core of that reorganization are the Army’s people, which are its “greatest strength and most valuable asset.” *See* Army People First, Prioritizing Our Most Valuable Asset, U.S. Army, [army.mil/peoplefirst](https://www.army.mil/peoplefirst). As part of that focus on human capital, the Army seeks to “build diverse, adaptive and cohesive teams that sustain readiness,” including through Project Inclusion, an initiative directed at “ensur[ing] that all our people know they are valued members of the team.” *Id.*

To lead diverse teams capable of tackling these problems, the Army needs officers trained in a racially diverse environment, who are better able to command racially diverse units. *See* Bryan W. Leach, *Race as Mission Critical: The Occupational Need Rationale in Military Affirmative Action and Beyond*, 113 Yale L.J. 1093, 1116 (2004). Author Jason Lyall analyzed “data on the ethnic and racial inequalities within nearly 850 armies in 250 wars fought since 1800.” Jason Lyall, *The Military Is Making Changes in Response to Black Lives Matter Protests. That’s Good for Fighting Wars*, Wash. Post (July 28, 2020), <https://perma.cc/6RCW-4LGC>. He

concluded that “inclusive armies fight harder, suffer lower rates of desertion and defection, and exhibit more creative problem-solving on complex battlefields.” *Id.*

Amici’s experiences confirm the data and show the value of racial diversity in maintaining unity and reassuring soldiers of their value. For example, Amicus and current Army Captain Jack Lowe formed bonds with several Puerto Rican cadets during their time studying and training together at West Point. Through these relationships, Captain Lowe learned about their culture, their families, their food. Now, as a junior officer in the diverse Logistics branch of the Army, he has built cohesion among his Puerto Rican soldiers by demonstrating understanding of their cultures and values. West Point’s diversity provided him perspective and communication tools—in other words, leadership skills—that made him a more effective officer and transformed his unit into a stronger team, better equipped to protect our national security.

The skills fostered by diversity are fundamental to the duties of a 21st-century Army officer. Amici’s experiences confirm that a leader in the modern military must have the cultural competence necessary to lead diverse teams of soldiers and interact with both friends and foes across the globe. Internally, “the military’s ability to build a cohesive and effective force from a diverse constituency hinges on cultural understanding.” Remi Hajjar, *A New Angle on the U.S. Military’s Emphasis on Developing Cross-Cultural Competence: Connecting In-Ranks’ Cultural Diversity to Cross-Cultural Competence*, 36 *Armed Forces & Soc’y* 247, 248 (2010). Externally, “ongoing campaigns continue to illuminate the need for enhanced cross-cultural competence to better predict, comprehend, and influence the behavior of diverse people in foreign lands,” as well as to enhance connections with diverse allies. *Id.* These challenges are ongoing. As one example, an American soldier deployed to Iraq lamented his fellow soldiers’ use of the term “Haji” to refer to the Iraqi people, saying that “at best, calling local nationals ‘hajis’ is an

uneducated use of Islamic terminology[.] . . . [A]t worst, it is a racial slur that could marginalize the very people we're trying to win over.” *Id.* at 251.

Experiencing diversity at West Point helps officers avoid those mistakes. New cadets at the Military Academy are inculcated into Army culture, exposing people from insular backgrounds to diverse people and perspectives. The West Point Leader Development System provides cadets “opportunities to learn and live in contexts where values often come into conflict, such as living in a diverse student body, studying for a semester abroad, and participating in community service opportunities.” *Developing Leaders of Character, The West Point Leader Development System*, U.S. Mil. Academy, at 16 (2018).

Amicus Captain Maria Blom has utilized the cross-cultural competence she learned at West Point in her role as an instructor at one of the Army’s Basic Officer Leader Courses, where she is responsible for the professional military education of the next generation of Army leaders. Her classes frequently include international military officers from countries such as Egypt, Israel, Jordan, Lebanon, Liberia, and the United Arab Emirates. Captain Blom’s education in a diverse environment at the Military Academy gave her the relationship-building and communication skills necessary to work with officers from across the globe. At times, she has faced a specific issue with certain international students who arrive not respecting women in leadership positions, based on gender roles within their home cultures. Rather than simply dismissing those foreign officers as having offensive beliefs, Captain Blom has taken these interactions as an opportunity to help international peers understand that in the United States, everyone is treated with dignity and respect regardless of their gender or race. Her experience in West Point’s diverse learning environment gave her the patience and communication skills necessary for those difficult conversations.

Race-conscious admissions policies at West Point produce a diverse officer corps capable of leading a diverse, modern Army to win wars and keep peace. Indeed, for the reasons Defendants explain in their brief, those policies are the only currently effective means for achieving that goal. Diverse officers build more cohesive units, make better decisions in battle, and form stronger partnerships across the globe. Diversity at West Point is thus a national security imperative.

II. **Diversity at West Point Creates a Diverse Army that Americans Will Support and Want to Join**

Diversity at West Point also has a number of corollary effects. Racial diversity within the officer corps is essential to the Army's recruiting efforts. Research shows that when they are not represented in the military, minority groups in society "start seeing the national military as their enemy." Lindy Heineken & Joseph Soeters, *Managing Diversity: From Exclusion to Inclusion and Valuing Difference*, in *Handbook of the Sociology of the Military* 327, 328 (Giuseppe Caforio & Marina Nuciari eds., 2018). In 2022, the Army missed its recruitment goal by 15,000 soldiers, or 25 percent. Lolita C. Baldor, *Army Misses Recruiting Goal by 15,000 Soldiers*, *Army Times* (Oct. 2, 2022), <https://perma.cc/UJ6D-NTXR>. Concerns about racial bias are among the reasons young Americans give for not enlisting. See Manuela López Restrepo, *The U.S. Army Is Falling Short of Its Recruitment Goals. She Has a Plan for That*, *NPR* (Oct. 5, 2023), <https://perma.cc/Y2V2-L8N3>. In the words of Retired Air Force Colonel Don Christensen, "we cannot operate our military without service members of color being willing and able to come in and serve." Daniel Lam, *They Faced Racial Bias in Military Discipline. That Can Impact National Security*, *NPR* (Sept. 4, 2021), <https://perma.cc/YL63-23XZ>.

Amici's own experiences as West Point cadets and junior officers confirm that representation matters to the military's ability to attract a diverse pool of qualified candidates.

Amici officers of color recall initially feeling apprehensive about whether they belonged at West Point. Captain Ashley Salgado recalls stopping to look at walls displaying photos of the West Point and Army chains of command without seeing anyone who looked like her. Seeing those photos on the wall made many cadets of color question whether they belonged. But the diversity in the corps of cadets fostered by West Point's successful race-conscious admissions policies quickly made them feel at home. Mentorship from black officers and upperclassmen, which can touch on such simple-yet-crucial subjects as how to style black hair to meet the Army's grooming standards, provided a critical lifeline. Organizations such as the Cadet Gospel Choir club, the National Society for Black Engineers, the Cultural Affairs Seminar, and the EXCEL Scholars Program created systems of support and inclusion and made cadets of color among Amici feel like West Point was a place for them, too.

In other words, diversity creates self-sustaining success. Underclass cadets seeing friends and mentors who look like them winning scholarships and serving in the highest positions of leadership creates the feeling that "if they can do it, then so can we." It reinforces the belief that the contributions of cadets of color are valued at West Point, a stark contrast from the feeling of alienation created by all-white, all-male photo arrays on the walls. That sense of inspiration carries forward into officers' careers, making them believe they can progress up the ranks, regardless of the color of their skin or their cultural background.

III. Diversity at West Point Prevents the Painful History of Racial Violence Within the Army from Repeating Itself

The Army learned the critical strategic value of a racially diverse officer corps the hard way. Racial minorities have fought in every American war, dating to the Revolution. But for much of the Nation's history, people of color were subordinated and subjected to open discrimination within the armed forces. Although President Truman integrated the military in

1948, Exec. Order No. 9981, 13 Fed. Reg. 4313 (July 28, 1948), the officer corps remained almost entirely white. As of 1962, just 1.6 percent of commissioned military officers were African American. *See* Brief of Former Military Leaders as Amici Curiae, at 16, *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, No. 20-1199 (S. Ct. 2023). The first black cadet was admitted to West Point in 1869. By 1968, almost a century later, West Point had graduated only 68 black officers in total and had never admitted more than 10 minority cadets in a single class. Cpt. Jeffery K. Toomer, *A Corps of Many Colors: The Evolution of the Minority Recruiting Effort at the United States Military Academy*, Research Report, Long Island University, at 5 (Nov. 14, 1997) [hereinafter, “Toomer”], <https://perma.cc/BX3V-5M7V>; *see also id.* at 9 (explaining that in the early 1970s, before implementation of affirmative action at service academies, 25 percent of enlisted soldiers were black compared to just 6 percent of officers, while 3.5 percent of enlisted soldiers were Hispanic compared to less than 1 percent of officers). That stark racial disparity led black troops to resent and distrust their white commanding officers and ultimately to “los[e] confidence in the military as an institution.” Brief of Former Military Leaders as Amici Curiae, at 16, *Grutter v. Bollinger*, No. 02-241 (S. Ct. 2003).

That distrust proved deadly. In 1969 and 1970 alone, racial strife led to hundreds of violent internal incidents in the Army, causing the deaths of 71 American troops. Bryan W. Leach, Note, *Race as Mission Critical: The Occupational Need Rationale in Military Affirmative Action and Beyond*, 113 Yale L.J. 1093, 1111 (2004) (citation omitted). The cause was “a complete breakdown in understanding between minority enlisted servicemembers and the white officers who led them.” Robert Knowles, *The Intertwined Fates of Affirmative Action and the Military*, 45 Loyola Univ. Chi. L.J. 1027, 1033 (2014) [hereinafter, “Knowles”]. A DOD Task

Force studying the problem concluded that minority troops in a racially diverse enlisted Army resented leadership by a nearly all-white officer corps. *Report of the Task Force on the Administration of Military Justice in the Armed Forces*, Dep't of Def., at 54-57 (Nov. 30, 1972). The Task Force found that this disparity caused anger, widespread distrust of the military's discipline system, and ultimately distrust in the military as a whole. *Id.*⁴

The use of race-conscious admissions at service academies, including West Point, was a targeted and studied effort to remedy the strife that killed soldiers and undermined the military's effectiveness as a fighting force. Knowles, at 1034; *see also* Toomer, at 6. Those efforts have borne fruit. West Point's Class of 2027 includes 486 minority cadets, accounting for 39 percent of the class. *USMA Class Profile—Class of 2027*, USMA (June 29, 2023), <https://perma.cc/QC8B-NRDN>. And, as Amici's experience shows, these measures work. For example, Amicus Captain Netteange Monaus is one of few black women to serve as an Armor Officer, responsible for tank and forward reconnaissance operations on the battlefield. She has become well known for her mentorship of black cadets and soldiers. Frequently, black soldiers have come to Captain Monaus to express concerns that the chain of command has treated them unfairly because of their race. In multiple instances, she has been able to use her own lived experience with discrimination to correctly diagnose the problem as something other than racial animus. Using the cultural background she shares with those soldiers, she has been able to convincingly explain to them that what they experienced in certain cases was *not* a result of discrimination. By serving as a trusted advisor, she has been able to defuse situations that might

⁴ Defendants include a more detailed discussion of these issues and incidents in their brief. *See* ECF No. 47 at 22-26.

otherwise have led to distrust and disunity among soldiers and placed their lives, and mission success, at risk.

But as far as the Army has come, much work remains to be done. The proportion of officers of color still lags far behind the proportion of soldiers of color in the enlisted ranks. For example, across the military in 2020, black servicemembers accounted for roughly 19 percent of enlisted soldiers but only 9 percent of the total officer corps. *See 2020 Demographics of the Military Community*, Dep't of Def., at 22-24 (2020). This discrepancy continues to weigh on minority servicemembers, many of whom feel “constantly challenged over their right to be in elite units, let alone lead them.” Helene Cooper, *African-Americans Are Highly Visible in the Military, but Almost Invisible at the Top*, N.Y. Times (May 25, 2020), <https://perma.cc/Z2MQ-LC6B>. Race-conscious admissions programs at military academies are necessary to continue addressing these shortfalls. “Without these aggressive measures with respect to education, Defense Department officials have argued, the officer corps would rapidly revert to an almost exclusively non-minority one.” Knowles, at 1083. Research confirms that eliminating consideration of race in admissions lowers acceptance and enrollment rates of minority students, particularly at selective institutions, even when institutions try to use other measures to mitigate problems of underrepresentation. *See generally, e.g.*, Mark C. Long & Nicole A. Bateman, *Long-Run Changes in Underrepresentation After Affirmative Action Bans in Public Universities*, 42 Educ. Evaluation and Pol’y Analysis 188 (2020).

Plaintiff seeks to undo history’s hard-earned lessons and portray the possibility of racial distrust within the Army as a relic of the past. Amici’s experience differs. Amicus First Lieutenant Brandon Hernandez, who served first as an enlisted soldier before attending West Point and commissioning as an officer, recalls his experience while deployed to Afghanistan as

an enlisted soldier. After hearing the repeated use of racial slurs by other soldiers, he felt a dangerous sense of distraction while on dismounted patrols. He was disillusioned by the idea of potentially sacrificing himself for a team that did not respect his identity.

Other Amici, from all racial backgrounds, experienced the importance of racial diversity within the Army's ranks in 2020, when racial-justice protests swept the nation and captured attention within the military as well. At that time, Captain Salgado served in a unit consisting of approximately 90 percent black and Hispanic enlisted soldiers. Many soldiers of color were angry that the unit's white leader did not even acknowledge the conversations about race taking place across the country. He instead ordered soldiers to ignore the protests, because, in his words, "we are all Army green." Another Amicus, Captain Ibrahim Seye, dealt with similar tension in his platoon, stationed on an isolated Iraqi outpost under daily threat from mortar attacks. After white enlisted leaders in the platoon, clearly upset, expressed disapproval of the protests, Captain Seye noticed a sense of alienation come over the platoon's soldiers of color. That tension divided the platoon and put the lives of his soldiers and the success of their mission at risk.

The silence from top Army leadership left a vacuum that junior officer Amici stepped in to fill. Captain Salgado hosted a seminar, based on the Confederate Monuments town hall she helped organize at West Point, which allowed soldiers in the unit to share their perspectives through personal stories. Similarly, Captain Seye addressed the tensions by sharing his own views, which created the space for others to speak up and gave his soldiers of color a chance to be heard. His message was simple: despite their different backgrounds and beliefs, they were one team, especially in tough times. Through their leadership, these young officers were able to acknowledge differences while still reinforcing unity and cohesion.

At a tense time for the nation, it was only through the skills developed at a diverse West Point that these officers were able to curb a return to racial strife and ensure soldiers knew they remained valued members of the team. Plaintiff asks this Court to ignore the lessons of both the past and the present and to instruct the Army on what best serves national security. Amici, current and former Army officers of different races who have all personally seen the benefits of the program that Plaintiff attacks, respectfully ask this Court to decline.

CONCLUSION

Diversity in the Army's officer corps is a national security imperative. As empirical evidence and Amici's personal experience attest, the Army's effectiveness and its soldiers' lives depend on West Point's ability to maintain a diverse cadet corps and provide our military's future leaders with the skills and knowledge that such diversity fosters. It is thus a compelling government interest, and Amici respectfully request that the Court deny Plaintiff's motion for a preliminary injunction.

Dated: November 29, 2023

Respectfully submitted,

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APPENDIX: LIST OF AMICI CURIAE

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Devin T. Adams, Captain (Former), U.S. Military Academy Class of 2013.

Kwabena Antwi, First Lieutenant, U.S. Military Academy Class of 2020.

Simone Askew, Captain, U.S. Military Academy Class of 2018.

Patrick Bailey, Captain, U.S. Military Academy Class of 2019.

Otuoze Baiye, First Lieutenant (Former), U.S. Military Academy Class of 2019.

Bridgette Bell, Lieutenant Colonel, U.S. Military Academy Class of 2004.

David Bindon, Captain, U.S. Military Academy Class of 2019.

Drew Blair, First Lieutenant, U.S. Military Academy Class of 2020.

Joy Bledsoe (née Schaeffer), Captain, U.S. Military Academy Class of 2018.

Maria Blom, Captain, U.S. Military Academy Class of 2018.

Constance Boothe, Captain (Former), U.S. Military Academy Class of 1987.

Leyla Brammer, Captain, U.S. Military Academy Class of 2015.

David L. Brice, Lieutenant Colonel (Retired), U.S. Military Academy Class of 1972.

Grace Brooks, First Lieutenant, U.S. Military Academy Class of 2020.

Preston Butler, First Lieutenant, U.S. Military Academy Class of 2020.

Quanzel Caston, Captain, U.S. Military Academy Class of 2017.

Nako Caternor, First Lieutenant, U.S. Military Academy Class of 2020.

Christian Catron, First Lieutenant (Former), U.S. Military Academy Class of 2001.

Ian Chambers, First Lieutenant, U.S. Military Academy Class of 2020.

Johnathan Cheatham, Captain, U.S. Military Academy Class of 2018.

Natoshia Clinton, Captain (Former), U.S. Military Academy Class of 2006.

Jordan Cole, Captain, U.S. Military Academy Class of 2019.

Lauren Cooper, U.S. Military Academy Class of 2018.

Joshua Couch, First Lieutenant, U.S. Military Academy Class of 2020.

Ali Darby, Captain, U.S. Military Academy Class of 2017.

Isabelle DeSimone (née Embola), First Lieutenant, U.S. Military Academy Class of 2021.

Dorothy Dennis, First Lieutenant, U.S. Military Academy Class of 2020.

Alex Dolan, First Lieutenant, U.S. Military Academy Class of 2020.

Bria Erron, Captain, U.S. Military Academy Class of 2019.

Giovanna Ferguson-Lewis, First Lieutenant, U.S. Military Academy Class of 2020.

Carla Figueroa-Matos, Captain, U.S. Military Academy Class of 2019.

Chantz Franco, Second Lieutenant, U.S. Military Academy Class of 2023.

Leslie Frankland, Captain, U.S. Military Academy Class of 2018.

Kris Raymer Fuhr, Captain (Former), U.S. Military Academy Class of 1985.

Fabiola Gonzalez, First Lieutenant, U.S. Military Academy Class of 2020.

Regan Greer, First Lieutenant, U.S. Military Academy Class of 2022.

George Grindley, Captain (Former), U.S. Military Academy Class of 2018.

Grant Hall, Captain, U.S. Military Academy Class of 2019.

Tommy Hall, First Lieutenant, U.S. Military Academy Class of 2022.

Brandon Hernandez, First Lieutenant, U.S. Military Academy Class of 2022.

Jerzi Holly, First Lieutenant, U.S. Military Academy Class of 2022.

Sean Hurley, Captain, U.S. Military Academy Class of 2019.

Camiesha Jackson, Second Lieutenant (Former), U.S. Military Academy Class of 2018.

Ciara Jackson, Captain, U.S. Military Academy Class of 2016.

Denver Jackson, Second Lieutenant, U.S. Military Academy Class of 2023.

Jarrold Jones, Captain, U.S. Military Academy Class of 2019.

Mike Kegler, First Lieutenant (Former), U.S. Military Academy Class of 1987.

Carolyn Kehn, Captain, U.S. Military Academy Class of 2018.

Denton Knight, First Lieutenant, U.S. Military Academy Class of 2021.

Eliot C. Knotts, Captain, U.S. Military Academy Class of 2015.

Peyton LeDuc, First Lieutenant, U.S. Military Academy Class of 2020.

Terry Lee, Captain, U.S. Military Academy Class of 2017.

Travis Lee, First Lieutenant, U.S. Military Academy Class of 2020.

Jess Lewis, Captain, U.S. Military Academy Class of 2019.

Jack Lowe, Captain, U.S. Military Academy Class of 2019.

Nicky Manitzas, Captain, U.S. Military Academy Class of 2019.

Bailey McCardell, Captain, U.S. Military Academy Class of 2019.

Jozlyn A. McCaw, Captain (Former), U.S. Military Academy Class of 2014.

Aaron McIver, First Lieutenant (Former), U.S. Military Academy Class of 2019.

David McLymore, First Lieutenant, U.S. Military Academy Class of 2021.

Christian McNair, First Lieutenant (Former), U.S. Military Academy Class of 2018.

Netteange Monaus, Captain, U.S. Military Academy Class of 2018.

Emma Morissette, Captain (Former), U.S. Military Academy Class of 2018.

Robert Moser, Captain (Former), U.S. Military Academy Class of 2018.

Daniel Muncaster, U.S. Military Academy Class of 2021.

Aliyah Murray, Captain, U.S. Military Academy Class of 2018.

Maxwell Myers, First Lieutenant, U.S. Military Academy Class of 2021.

Betty Myrthil, Lieutenant Colonel (Retired), U.S. Military Academy Class of 2002.

Christian Nattiel, Captain, U.S. Military Academy Class of 2017.

Mia Padon, First Lieutenant, U.S. Military Academy Class of 2021.

Jon Paul, Captain, U.S. Military Academy Class of 2018.

Arden Percoco, First Lieutenant (Former), U.S. Military Academy Class of 2017.

Katherine Peterson, First Lieutenant, U.S. Military Academy Class of 2020.

Connor Phillips, Captain, U.S. Military Academy Class of 2019.

Nneka Pilgrim, First Lieutenant, U.S. Military Academy Class of 2020.

Ross Puritty, Captain (Former), U.S. Military Academy Class of 2018.

Mikayla Ramnauth, First Lieutenant, U.S. Military Academy Class of 2021.

Elizabeth Rodriguez, Captain, U.S. Military Academy Class of 2019.

Jacqueline Roques (née Martin), Captain, U.S. Military Academy Class of 2019.

Arran Rounds, Captain (Former), U.S. Military Academy Class of 2018.

Anton Rowe II, First Lieutenant, U.S. Military Academy Class of 2021.

Ashley Salgado, Captain, U.S. Military Academy Class of 2019.

Ibrahim Seye, Captain, U.S. Military Academy Class of 2019.

Hezekiah Shanu, Captain (Former), U.S. Military Academy Class of 2018.

Emma Smith, Captain (Former), U.S. Military Academy Class of 2017.

Tony Smith, Captain, U.S. Military Academy Class of 2019.

Soumya Sreerama, Captain, U.S. Military Academy Class of 2019.

Lisa Steptoe, Captain (Former), U.S. Military Academy Class of 1987.

Taylor Stringer, First Lieutenant, U.S. Military Academy Class of 2021.

Grayson Strouse, Captain, U.S. Military Academy Class of 2018.

Shafer Swann, Captain, U.S. Military Academy Class of 2019.

Kendrick Thomas, First Lieutenant, U.S. Military Academy Class of 2020.

D'Andre Tobias, Second Lieutenant, U.S. Military Academy Class of 2023.

Lawrence Tuidar Jr., Captain, U.S. Military Academy Class of 2019.

Michael E. Turner I, Lieutenant Colonel (Retired), U.S. Military Academy Class of 1987.

Claire Wang, Captain, U.S. Military Academy Class of 2018.

Evan Walker, First Lieutenant, U.S. Military Academy Class of 2021.

Joseph Walker, Captain, U.S. Military Academy Class of 2017.

Jarod Watson, Captain, U.S. Military Academy Class of 2019.

Tiffany Welch-Baker, Captain, U.S. Military Academy Class of 2019.

Mike Westrom, Captain (Former), U.S. Military Academy Class of 2016.

Anthony T. Williams, First Lieutenant, U.S. Military Academy Class of 2018.

Nicholas Williams, Captain (Former), U.S. Military Academy Class of 2017.

Brandon Wilson, Captain, U.S. Military Academy Class of 2018.

Jay Yang, First Lieutenant, U.S. Military Academy Class of 2020.

Cecelia Zenger, Captain, U.S. Military Academy Class of 2019.